A few of these reports have already been made to the legislatures now in session. The rest will be made to the sessions which convene in January, 1915.

Changes in Legislative Procedure in 1913: Rules never assure their own enforcement either in statutes or parliamentary law. In the latter this is especially true, often the actual practice may represent a standard of action almost the exact opposite of that commanded, constitutional provisions regulating procedure are often flagrantly disregarded—witness the disobedience of the rules as to the readings of bills in many States—rules adopted by joint resolution receive even less consideration, and in some States procedure is for all or part of the session thrown to the winds and the actual control surrendered into the hands of the speaker or the measures are passed under a rough and ready "unanimous consent" system.[1] As a result of the ability and willingness to change the rule for individual cases the written parliamentary law is much more static than actual practice.

Changes in procedure therefore though they represent attempts to escape from the disadvantages of the old rules do not measure the extent of the actual modification which has occurred; the latter can be estimated only by one familiar with the public sentiment back of the new rules and by actual practice under them.

Constitutional Provisions Affecting Legislation. 1. Far the most interesting legislative expedient tried in the past year is found in California where the "split session" amendment adopted by the people October 10, 1911, was first put into operation. The new constitutional rule provides[2] that excepting extraordinary sessions, the meetings of the legislature shall be biennial. The legislature shall meet on the first Monday in January and remain in session for not more than thirty days. Then a recess must be taken for not less than thirty days. On reassembling only those bills already introduced are to be considered

[1] Hon. M. D. Hull of the senate of Illinois reports: "In my first session we had a so-called 'steering committee' of the dominant party which was supposed to have something to say with regard to what bills should be taken up on the house calendar. Really however the speaker was the whole thing and while the house had by its rules an order of business, the rules were never followed but all business was done by 'unanimous consent' or suspension of the rules in accordance with a pencil calendar made up by the speaker from day to day."—Letter December 16, 1910.

[2] Statutes and amendments to the codes, California 1913, Constitution of California, p. 20, art. iv, sec. 2.

unless three-fourths of the members of either house vote to suspend the rule for a certain measure and in no case can any member in this second period introduce more than two bills.

The object is to insure greater publicity for proposed measures and to restrict the freedom of initiative in the introduction of bills in the second period. Comment on the actual working of the amendment in the legislature of 1913 is divided. The rule does not, as appears to have been popularly supposed, prevent the proposal and final passage of measures during the first period but the great majority of bills were then only introduced. In the five weeks recess taken in 1913 there was ample use made by the people of the privilege of talking over proposed legislation with their representatives. Women's clubs asked them to discuss the bills in which women were especially interested and commercial organizations held conferences on measures affecting business.[3] Other critics find that corrupt influences soon adapted themselves to the new order of things, and used the legislative recess as a means of misleading the people and inducing them to put pressure upon the legislators to enact laws opposed to the public interest.[4]

The experience of other States with similar legislative expedients does not indicate that the California rule will be found a permanent advantage. It is doubtful whether it will either insure the publicity it aims at or cut down the number of bills. Legislatures have repeatedly by their own rules attempted to improve the conditions of legislation by limiting the regular introduction of bills to a certain period. Thereafter bills could be introduced only under exceptional conditions. In the great majority of cases such rules have had almost no effect—the written permission of the executive, the favorable report of a committee, the large majority or even unanimous consent for introduction was almost always forthcoming. In the few cases where the legislature has stood by its original rule it has been found impossible to stop its practical defeat because the wished for new bill could be introduced under the guise of an amendment to a measure already introduced. After a little experience under such a system it seems likely that members will introduce numbers of sham bills intended to cover projects in which they feel they may later become interested. This

[3] Favorable comment is contained in *The Independent*, vol. 74 (1913), p. 829, and in A. B. Scherer, Novel Law Making in California, *Independent*, vol. 74 (1913), p. 1088.

[4] Franklin Hichborn, *Story of the Session of the California Legislature of 1913*, p. ix.

was notably the experience of Michigan under a rule of this sort.[5] As soon as this subterfuge is resorted to, both the desired publicity of bills proposed and the limitation on the freedom to introduce bills aimed at by the California amendment seem likely to disappear.

2. The abuses which have arisen under the so-called "emergency clause" of many state constitutions regulating the time when laws shall take effect are notorious.

In some States it has become the custom to declare every act an emergency act and thus bring the actual time of operation of the laws to the same standard as is found in States where they go into effect "on passage." California in 1913 held its first session under a constitutional rule strictly defining what is to be considered an emergency[6] and Oregon adopted a rule that "The legislative assembly shall not declare an emergency in any act regulating taxation or exemption."[7]

Arizona has furnished what is probably the most extreme example of the use of an emergency clause to avoid a requirement of the constitution. That instrument required that all bills be read by sections three times in each house but the first two readings might be by title "in case of emergency."[8] The observance of the rule resulted in much delay. The attorney general in an opinion declared the right of the legislature to enter on the journal a general declaration of emergency and "that it was expedient that section 12, article iv of the constitution relating to the reading of bills by sections on first and second reading be dispensed with."[9] Thereafter no bills were read at length except on the last reading.

Laws and Rules of the Legislatures Affecting Legislative Procedure. A number of States have passed resolutions regulating the printing of calendars, journals and bills.

[5] "It was formerly the custom to limit the introduction of bills to the first fifty days of the session but since 1905 this has not been done. Under this rule a vast number of sham bills were introduced . . . . each member covering the subjects upon which he might by chance become interested later . . . . It often resulted in some wierd substituting and amending to whip a bill of this kind into shape for the uses for which it was intended."—Letter Ex-Senator G. L. Clark, December 2, 1910.

[6] Constitution of California, art. iv, sec. 11. Amendment adopted October 10, 1911.

[7] General Laws of Oregon 1913, p. 7, art. ix, adopted at the election, November 5, 1912.

[8] Constitution of Arizona, art. 4, pt. 2, sec. 12.

[9] Letter L. F. Sweeting, Clerk of the House of Representatives of Arizona, December 13(?), 1913.

1. North Dakota provided for the daily printing of a calendar. Besides the material usually included it is to contain "a brief synopsis of each bill or resolution introduced and referred on that day." The synopsis and other material are to be "edited by a clerk to be employed for such purpose" in each house. No synopsis shall "exceed ten printed lines in length."[10]

Heretofore, the journals in North Dakota have been written records made by the secretary of the senate and chief clerk of the house "in books to be furnished by the secretary of state for that purpose."[11] Hereafter the journal is to be printed daily, examined by the recording officers and read at the beginning of the morning session, then corrected by the printer and bound. Two bound copies are deposited with the secretary of state and "constitute the true and authentic journal."[12]

Arizona has done away with reading of the journal. The printed copy is put on the desks and the members are privileged to hand in corrections or report the errors to the clerk, before the close of the day.[13]

2. Nevada took a step toward joining the growing list of States which are requiring enrolled bills to be printed. Heretofore either house might order any bill originating within it, which has passed both houses to be printed for enrollment.[14] Now every assembly and senate bill or resolution must be printed for enrollment if it exceeds six pages in length.

3. The creation of "special orders," "rules," "sifting" and other variously named committees which, usually near the end of the session, are given the duty to select the more important measures from among the large number of bills introduced, is becoming increasingly frequent. This is the favorite expedient for escaping from the consequences of unlimited freedom of initiative in the introduction of measures and from our cumbersome procedure. The functions of these committees are usually not stated in the rules, but to this exceptions are appearing. Montana has a committee officially known as the "steering committee" and in 1913 Oregon by joint resoltion created an "advisory committee," composed of the presiding officers of the houses acting with one senator and two members of the house. Its duty lay in "assisting the other committees in expediting legislation now before the legislature."[15]

[10] Laws of North Dakota, 1913, p. 320, ch. 202.
[11] Revised Code of the State of North Dakota, sec. 54.
[12] Laws of North Dakota, 1913, p. 319, ch. 201.
[13] L. F. Sweeting, Chief Clerk of the House, December, 1913.
[14] Revised Laws of Nevada 1912, p. 4124.
[15] General Laws of Oregon, 1913, p. 798.

4. California seriously considered the entire recasting of her legislative procedure. A carefully drawn system of rules was prepared by Senator Leroy A. Wright, embodying what he considered the best practice in all the state legislatures. One of its prominent features was the adoption of joint committee similar to those in use in Massachusetts. The system as a whole failed of adoption but several of its suggestions were accepted. The two houses now have standing committees of the same number of names, definite provision is made for joint meetings to consider bills introduced in both houses and two joint committees are created.[16] To one of these, unless the house where the bill originated ordered otherwise, all bills were sent for revision before being printed. Its powers however only extended to correcting errors in spelling, inserting the enacting clause and correcting mistakes in numbering sections and references thereto, errors in grammar, phraseology or in the form of the bill."[17] A proposal to confer wider powers was defeated.[18]

5. The Illinois house of representatives adopted an expedient which aims to give a greater prestige to measures supported by the governor. A bill or resolution introduced to carry out a recommendation of the governor may by executive message addressed to the speaker be made an administrative measure. When a bill of this sort has been reported out of committee it has precedence over all other bills except appropriation bills. The house is to sit in committee of the whole on these bills on Tuesday morning.[19] A proposal to give a similar precedence to bills to carry out party platform pledges and the recommendations of the governor's message failed of adoption in Wisconsin.

CHESTER LLOYD JONES,
University of Wisconsin.

Bill Drafting: Ten years ago, scientific drafting of legislative bills scarcely existed. Since that time, not only have the necessity and the value of expert technical assistance to law makers been clearly demonstrated to, and accepted by, students of modern statute law, but such service has received official recognition in the statute books of over a dozen States. This authority to draft bills is included, in most instances, in

[16] Joint Rule, No. 33, Session 1913.

[17] Joint Rule, No. 30, Session 1913.

[18] Franklin Hichborn, Story of the California Legislature of 1913, p. 47.

[19] See comment by Hon. M. D. Hull in AMERICAN POLITICAL SCIENCE REVIEW May, 1913, p. 239.